

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**CURTIS RACKLEY; ROSS &  
LINDSEY SMITHERMAN;  
JESSIE & TERESA HOLYFIELD;  
BOB & DEBRA PARKER**

**Plaintiffs,**

**v.**

**AMERIQUEST MORTGAGE  
COMPANY,**

**Defendant.**

**CASE NUMBER**

**1:07-cv-00748-CG-M**

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**DEFENDANT'S MOTION TO DISMISS**

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**COMES NOW** the defendant, Ameriquest Mortgage Company, by and through its undersigned counsel, and, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves this Honorable Court to dismiss the Complaint filed by plaintiffs Curtis Rackley, Ross & Lindsey Smitherman, Jessie & Teresa Holyfield, and Bob & Debra Parker. Per Local Rule 7.1(a), defendant's brief is being filed simultaneously with this motion.

Respectfully submitted,

s/Stephen J. Bumgarner  
Stephen J. Bumgarner (BUMGS2089)

Attorney for Defendant  
Ameriquest Mortgage Company

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the following:

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s/ Stephen J. Bumgarner  
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